

BILLY J. WILLIAMS, OSB #901366

United States Attorney

District of Oregon

GREGORY R. NYHUS, OSB #913841

Assistant United States Attorney

greg.r.nyhus@usdoj.gov

NATALIE K. WIGHT, OSB #035576

Assistant United States Attorney

natalie.wight@usdoj.gov

1000 S.W. Third Ave., Suite 600

Portland, Oregon 97204-2902

Telephone: (503) 727-1000

Attorneys for United States of America

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. 3:16-CR-00105-AA

v.

GOVERNMENT'S WITNESS LIST

ROBERT EVANS MAHLER,

Defendant.

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and through Gregory R. Nyhus and Natalie K. Wight, Assistant United States Attorneys for the District of Oregon, provides the following list of witnesses the government may call during its case-in-chief at trial:

1. Amanda Johnson, Special Agent, Bureau of Alcohol, Tobacco Firearms and Explosives.
Estimated Time: 1-2 hours

SA Johnson is the case agent. On January 19, 2016, SA Johnson spoke with Constance Daggett who reported the unlawful possession of firearms by defendant. SA Johnson also met with Constance and William Daggett at their place of business, where they turned over billing

Government's Witness List

receipts and documents showing defendant's bulk purchase of approximately 19,000 rounds (\$5247) of ammunition. SA Johnson will testify to the overall steps conducted in this investigation to include the execution of search warrants at the Daggett's residence and at defendant's residence, his vehicle, and of his person. SA Johnson is familiar with the firearms, ammunition and other evidence seized pursuant to those search warrants.

2. Ryan Hultgren, Special Agent, Bureau of Alcohol, Tobacco Firearms and Explosives.
Estimated Time: 1 hour

SA Hultgren will testify about the following firearms, and the photographs that he took, seized during the search warrant of defendant's lock boxes located at the Daggett's residence:

- Walther pistol, model P22, .22 caliber (Count 1, No.1);
- FEG pistol, model FP9, 9mm (Count 1, No.2);
- Glock pistol, model 21, .45 caliber (Count 1, No.3);
- Sig Sauer pistol, model SP2340, .40 caliber (Count 1, No.4);
- Winchester rifle, model 74, .22 caliber (Count 1, No.5).

SA Hultgren will also testify as a finder of the following firearm pursuant to the search warrant of Robert Mahler's vehicle on February 16, 2016:

- Glock, model 21, .45 caliber pistol (Count 1, No. 11).

3. Nathan Miller, Special Agent, Bureau of Alcohol, Tobacco Firearms and Explosives.
Estimated Time: 1 hour

SA Miller created the diagram of Defendant's residence. He will testify that he was a finder during the search warrant for defendant's "toolbox" executed at the Daggett's residence on February 2, 2016, and that he located the following firearms pursuant to the search warrant:

- Colt pistol, model Mark IV, .45 caliber (Count 1, No.6);
- Sig Sauer pistol, model P250, .40 caliber (Count 1, No.7);
- Winchester rifle, model 100, .308 caliber (Count 1, No.8);
- Remington Arms rifle, model 722, .267 caliber (Count 1, No.9);
- Ruger rifle, model M77, 7mm (Count 1, No.10);
- Auto Ordinance pistol, model 1911, .45 caliber (Count 1, No.18)

4. Roland Jacobs, Special Agent, Bureau of Alcohol, Tobacco Firearms and Explosives.
Estimated Time: 1 hour

SA Jacobs will testify that his role was a finder during the search warrant executed at defendant Robert Mahler's residence on February 16, 2016:

- Kimber pistol, model CPD II, .45 caliber (Count 1, No.13);
- Benelli shotgun, model M2, 12 gauge (Count 1, No.14);
- Springfield Armory rifle, model M1A, .308 caliber (Count 1, No.15);
- Smith & Wesson revolver, model 686, .357 caliber (Count 1, No.16);
- Surplus Ammo and Arms rifle, model LOW15, multi caliber (Count 1, No.6).

5. Michael McNall, Resident Agent in Charge, ATF
Estimated Time: 30 minutes

RAC McNall will testify as a finder of the following firearm in defendant's bedroom pursuant to the search warrant of defendant's residence on February 16, 2016:

- Armscor of the Philippines pistol, model Charles Daly, .45 ACP (Count 1, No. 12)

RAC McNall will also testify to locating the Liberty Safe combination in both the defendant's vehicle and bedroom. He will testify to defendant's statements to ATF Agents at the conclusion of the search warrant of Robert Mahler's residence.

6. Jim Anglemier, Captain, Silverton Police Department
Estimated Time: 30 minutes

Captain Anglemier will testify to the Silverton Police Department's policies and procedures regarding the return of property, to include firearms. Captain Anglemier will also testify to the search for documentation related to the Armscor of the Phillipines pistol (Count 1, No. 12) seized from defendant's residence.

7. Constance Daggett, civilian witness
Estimated Time: 1 hour

Ms. Daggett was married to William Daggett at the time defendant stored his firearms and ammunition at her residence. She will testify that she discovered defendant had a criminal

history and called the police on January 16, 2016, to report that she believed defendant was illegally hiding his firearms and ammunition at her house. She will discuss her and her husband's relationship with defendant and her knowledge of defendant's ownership of firearms and ammunition.

8. William Daggett, civilian witness

Estimated Time: 1 hour

William Daggett will testify that he was very familiar with defendant's ownership of firearms and ammunition. He will explain that he believed defendant was a competitive shooter and had previously owned a gun shop. William did not know defendant was a convicted felon when he allowed defendant to store lockboxes, numerous firearms, and ammunition at his residence in Molalla, Oregon. Defendant gave William various excuses such as defendant's wife's disapproval of the guns, as the reason why defendant could not store the firearms and ammunition at his own residence. William will explain that defendant gave him \$5000 cash, and asked him as a favor, if he could pick up a cashier's check and send it out to finalize a bulk purchase of ammunition for defendant to store at William's house. Defendant told William he was busy and could not go with him to the bank. The ammunition was delivered to the Daggett's business and William was surprised to find out defendant had used William's name and address as the purchaser on the invoice form. The document did not have any information the indicated it was actually the defendant who had ordered and purchased the ammunition.

9. Curtis Allen Jr., civilian witness

Estimated Time: 30 minutes

Curtis Allen will testify that he knew defendant to be an owner and possessor of firearms and ammunition. Mr. Allen will provide information regarding his private sale of a firearm to defendant several years ago. Mr. Allen will explain that defendant did not put his own name on

the informal bill of sale, but put his brother's name "Alex Mahler" stating he was buying the gun for his brother.

10. Alexander Mahler, civilian witness

Estimated Time: 30 minutes

Alexander Mahler is defendant's brother, and will testify that his own firearm was missing after defendant stayed at his residence in Fayetteville, Arkansas.

11. Karl Deering, Latent Print Examiner

Estimated Time: 30 minutes

Mr. Deering is a latent print examiner for the Oregon State Police Forensic Laboratory and he will talk about his forensic analyses of the firearms evidence seized during this investigation. Further details regarding Mr. Deering's testimony is provided in government's separate notice of expert witnesses.

The government respectfully reserves the right to call such additional witnesses as may be necessary during its case-in-chief or in rebuttal.

DATED this 24th day of August 2018.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

/s/ Natalie K. Wight
GREGORY R. NYHUS, OSB #913841
NATALIE K. WIGHT, OSB #035576
Assistant United States Attorneys